

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
DEC 07 2009

[Signature]
CLERK

TRACY L. TROWER,

CIV. 09-4128

Plaintiff,

vs.

ORDER

WARDEN DOOLEY, Warden, South Dakota
State Prison; ED LIGHTENBERG,
Parole Executive, South Dakota State Prison;
DEPT OF CORRECTIONS; S.D. PAROLE
AND PARDONS,

Defendants.

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.

Plaintiff filed no objections to the Report and Recommendation. After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

1. The Report and Recommendation (Doc. 10) is ADOPTED.
2. Plaintiff's complaint is dismissed, with prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.

Dated this 31st day of December, 2009.

BY THE COURT:

[Signature]
Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: *[Signature]*, Deputy
(SEAL)